

USSN 10/067,164  
Amendment Responsive to Office Action of April 7, 2004  
August 9, 2004  
A-1694

REMARKS

Claims 1,5, 7, 9-11, 15-17, and 19-20 are amended, and new claims 31-37 have been added. Accordingly, claims 1-37 are pending.

Applicant wishes to thank Examiner Woo for his thorough examination of the subject application, and his indication that claims 23-30 are allowed, and that claims 3-7, 9-10, and 13-22 are objected to, and would be allowed if rewritten in independent form.

Accordingly, new claim 31 comprises objected to claim 3, rewritten in independent form. Claim 32 comprises objected to claim 4 rewritten in independent form. Claim 33 comprises objected to claim 9 rewritten in independent form, except that it is slightly broader since the limitation of claim 8 has not been included therein. Applicants do not believe this limitation is necessary to render claim 33 allowable. Claim 34 comprises objected to claim 13 rewritten in independent form. Claim 35 comprises objected to claim 14 rewritten in independent form. Claim 36 comprises objected to claim 16 rewritten in independent form. Claim 37 comprises objected to claim 22 rewritten in independent form. Thus, all of the new claims should be in condition for allowance.

Claims 1 and 11 have each been amended to include a further limitation reciting bone anchoring structure for securing the anchor body within adjacent bone. This limitation should clearly patentably distinguish these claims, as well as dependent rejected claims 2, 8, and 12, respectively, from the Mather patent, since the Mather patent discloses a car seal which does not include bone anchoring structure, and thus clearly does not anticipate any of the claims. Moreover, it clearly would not have been obvious to modify the Mather embodiment to include such structure, since there would have been no motivation for doing so in connection with a car seal.

In view of the foregoing amendments and remarks, Applicants respectfully submit that each of the pending claims are allowable over the prior art of record, and an early notification of allowance is earnestly solicited. The Examiner is requested to contact the undersigned at the number below, should any further questions or issues need to be

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resolved.

Respectfully submitted,



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